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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,759	05/04/2001	GerogeAnn Pieters	00-053	2676

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EXAMINER

BOYD, JENNIFER A

ART UNIT PAPER NUMBER

1771

DATE MAILED: 12/19/2002

2

Please find below and/or attached an Office communication concerning this application or proceeding.

AF

FILE

Office Action Summary	Application No.		Applicant(s)	
	09/849,759		PIETERS, GEROGEANN	
	Examiner		Art Unit	
	Jennifer A Boyd		1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1 – 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. The term "flexible" in claim 1 is a relative term which renders the claim indefinite. The term "flexible" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The Examiner will interpret "flexible" to mean a material that is capable of being bent with minimal effort such as a material in the form of a film.

4. The term "strong" in claim 2 is a relative term which renders the claim indefinite. The term "strong" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The Examiner will interpret "strong" to mean having reasonable strength to maintain the integrity of the invention throughout its normal use.

5. The term "hard" in claim 12 and 14 is a relative term which renders the claim indefinite. The term "hard" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The Examiner will interpret "hard" to mean having tough surface such as a resin laminated material or containing fibers which are high in strength.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1 - 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Takahashi et al. (US 5,928,778).

Takahashi teaches a decorative material which is excellent in flexibility and abrasion resistance (Abstract). The decorative material of this invention can be used for various purposes such as decorating surfaces of buildings, vehicles, ships, furniture, musical instruments, cabinets and decorating wrapping materials (column 11, lines 50 – 55).

As to claims 1, 15 and 24, Takahashi teaches a material including a substrate and an abrasion resistant coating layer. The abrasion resistant coating layer includes spherical particles and binder. (Abstract) The spherical particles can be beads of a synthetic resin such as a cross-linked acrylic resin (column 4, lines 34 – 36). The binder can be any conventionally known thermosetting resins such as a polyfunctional meth(acrylate), which is a derivative of acrylic (column 6, lines 1 – 5). Therefore, in one embodiment, the abrasion resistant coating layer can consist entirely of acrylic or acrylic derivatives. This layer can function as the Applicant's "outer protective layer". Takahashi teaches that substrate can be a paper, plastic film or sheet, or metallic foil or plate (column 1, lines 66 – 67). It is preferable to use a flexible material as the substrate (column 2, line 5). Takashi teaches that the substrate can be a composite substrate

Art Unit: 1771

which can be obtained by laminating two or more substrates by any known means, for instance, by the use of an adhesive agent, or by effecting thermal fusion (column 2, lines 66 – 67 and column 3, lines 1 – 3). Takahashi teaches that substrate can be a paper, plastic film or sheet, or metallic foil or plate (column 1, lines 66 – 67). Examples of the types of paper are tissue paper, craft paper, titanium paper, linter paper, cardboard, plasterboard paper, raw fabric of so-called vinyl wall paper, high-grade paper, coated paper, art paper, vegetable parchment, glassine paper, animal parchment, paraffin paper and Japanese paper. In addition, paper-like sheets can be used as the substrate such as woven or nonwoven fabrics produced from inorganic fibers such as glass fiber, alumina fiber, silica fiber and carbon fiber or organic fibers such as polyester of Vinylon (column 2, lines 15 – 27). A plastic sheet can be used as a substrate in the form of an acrylic film (column 2, lines 36-37). Due to the fact that a composite substrate can be used, one embodiment of Takahashi teaches a “base material” bonded to an “inner protective layer” of a flexible material such as an acrylic film, a “bonding material” bonded to the second side of the base material, a “decorative layer” such as a paper or a paper-like sheet bonded to the “base material” and an “outer protective layer” of a flexible material such as the abrasion resistant coating layer made of acrylic or acrylic-derivatives taught by Takahashi.

As to claims 2 and 3, Takahashi teaches that the “base material” can be made out of a paper-like sheet such as a nonwoven comprising fibers such as carbon or alumina fibers (column 2, lines 21 – 26), which are known in the art to be high in strength.

As to claim 4, Takahashi teaches that the substrate can be a composite substrate which can be obtained by laminating two or more substrates, therefore, an additional paper-like layer such as a “woven backing” could be attached to the “base material”.

Art Unit: 1771

As to claim 5, Takahashi teaches that the “inner protective layer” can be an acrylic film, which is inherently water resistant.

As to claim 6, Takahashi teaches that the “outer protective layer”, or the abrasion resistant coating, can be comprised entirely of acrylic or acrylic derivatives, which are inherently water resistant.

As to claims 7 and 19, Takahashi teaches that the abrasion resistant coating can be transparent or translucent (column 11, lines 47 – 49).

As to claims 8 and 20, Takahashi teaches that the “outer protective layer” can be comprised entirely of acrylic or acrylic derivatives (column 2, lines 1 – 67).

As to claims 9, 17 and 18, Takahashi teaches that the “inner protective layer”, the “bonding material” and “outer protective layer” can be comprised of acrylic, which are inherently water-resistant (column 2, lines 1 – 67).

As to claims 10, 11 and 16, Takahashi teaches that the “decorative layer” can be comprised of paper. Vegetable parchment paper among other papers (column 2, lines 14 – 26) typically has a textured finish and can have a generally random wrinkled pattern. Takahashi also notes that is possible to use a substrate having a rough or three-dimensional pattern (column 2, lines 9 – 14).


As to claim 12, Takahashi teaches that the “decorative layer” can be a board such as veneer (column 2, lines 45 – 50), which has a hard finish.

As to claim 13, Takahashi teaches that the “decorative layer” can be a paper such as vegetable parchment paper (column 2, lines 14 – 26), which has a smooth or calendared finish.

Art Unit: 1771

As to claim 14, Takahashi teaches that the “decorative layer” can be a paper-like material such as a woven fabric comprising alumina and carbon fibers (column 2, lines 21 – 27). A paper-like material implies a smooth or semi-smooth surface, therefore, the woven fabric would have to be woven tightly to give a smooth appearance. The “decorative layer” would have a hard finish due to fiber content of high strength rigid fibers.

As to claims 21 – 23, Takahashi teaches that the flexible, waterproof materials known as the “bonding material” and “inner protective layer” and the “outer protective layer” comprise a polymeric medium. If the composite substrate is thermal fused together (column 3, line 3), the polymeric layers will melt to an aqueous form before laminating the substrates together.




TERREL MORRIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700

Art Unit: 1771

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A Boyd whose telephone number is 703-305-7082. The examiner can normally be reached on Monday thru Friday (8:30am - 6:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.


Jennifer Boyd
December 11, 2002